SUPREME COURT, U. S.

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FILED
OCT 21 1974

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1974

No. 74-282

HELEN FAYE GENERES, *Petitioner*

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SHASTA
CIBULA & CIBULA, et al., *Respondent*
and
THE PEOPLE OF THE STATE OF CALIFORNIA,
Real Party in Interest

PETITIONER'S REPLY BRIEF
to the California Court of Appeal
Third Appellate District

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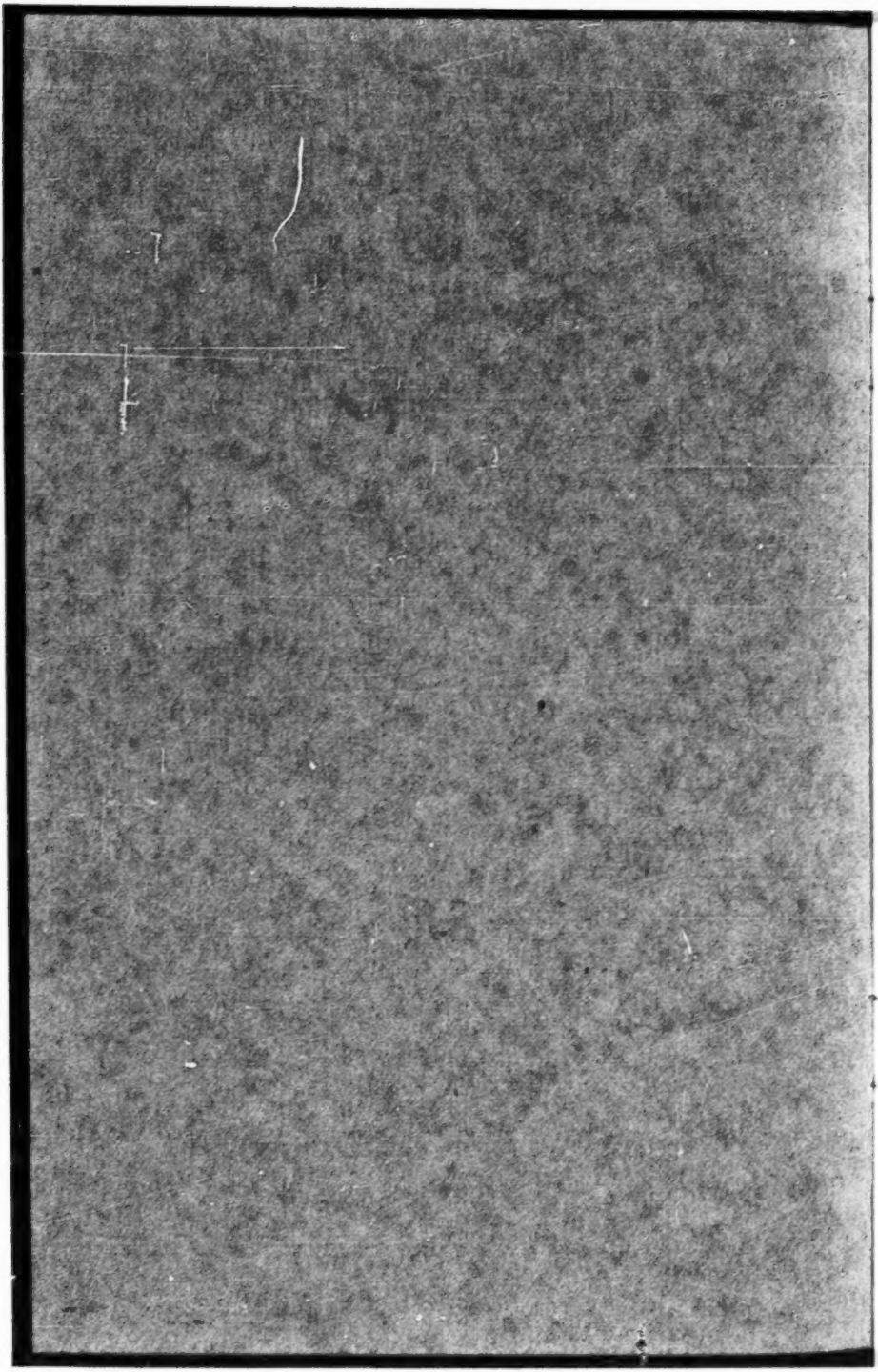
Petitioner.



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PETITIONER'S REPLY BRIEF

The answer to respondent's question number one is found in *Re Halliman* (1969) 71 C2d 1179, 81 Cal Rptr. 1, 459 P 2d 255 "Facts set forth in an order adjudging contempt did not support the trial court's finding of contemptuous behavior under Code of Civil Procedure 1209 where finding was in effect, that co[illegible] statement to the trial judge . . . were made in an antagonistic, insulting and disrespectful tone of voice, where record failed to show that the Court warned counsel as to his tone of voice with respect to either of the two instances of conduct found contemptuous . . ." (4) "An attorney is entitled to advocate respectfully and in good faith his contentions . . ."

The answer to question number two is found in *United States of America v. Dan Jack Combs* (1968) 390 F2d 426, 3 ALR Fed 410 the court said, "charge of criminal contempt arising out of the use, without permission, of tape recorder in court proceeding should have been heard by another judge . . ." and at 420 "that if contempt charges involved disrespect to or criticism of judge, he is disqualified from presiding at trial or hearing except with defendant's consent."

"What may not be taken away under Fourteenth Amendment are notice of charges and opportunity to be heard in defense." *Snyder v. Massachusetts*, (1934) (6) 291 U.S. 103, 78 L. Ed. 674. "Where a person's good name, reputation, honor or integrity is at stake . . . notice and opportunity to be heard are essential." Const. / mend. 14, *Haines v. Askew*, (1973) 368 F. Supp. 369.

The Petition for Writ of Certiorari should be granted and the contempt charges annulled.

Respectfully submitted,
HELEN FAYE GENERES
2538 Waldon Street
Redding, California 96001
Petitioner

Oct. 18, 1974